

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of YOLANDA R. SMITH and DEPARTMENT OF THE AIR FORCE, AIR
TRAINING COMMAND, San Antonio, Tex.

*Docket No. 96-542; Submitted on the Record;
Issued February 4, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
WILLIE T.C. THOMAS

The issue is whether appellant met her burden of proof to establish that she sustained a recurrence of disability on or after May 31, 1994 due to her October 31, 1991 employment injury.

The Board has duly reviewed the case record in the present appeal and finds that appellant did not meet her burden of proof to establish that she sustained a recurrence of disability on or after May 31, 1994 due to her October 31, 1991 employment injury.

When an employee, who is disabled from the job she held when injured on account of employment-related residuals, returns to a light-duty position or the medical evidence of record establishes that she can perform the light-duty position, the employee has the burden to establish by the weight of the reliable, probative, and substantial evidence a recurrence of total disability and show that she cannot perform such light duty. As part of this burden the employee must show a change in the nature and extent of the injury-related condition or a change in the nature and extent of the light-duty job requirements.¹

In the present case, appellant sustained an employment-related back contusion and lumbosacral strain on October 31, 1991. She stopped work on October 31, 1991 and returned to work in July 1993 in a limited-duty position for four hours per day. Appellant stopped work again on May 31, 1994 and claimed that she sustained a recurrence of disability on that date due to her October 31, 1991 employment injury. By decision dated August 9, 1995, the Office denied appellant's claim on the grounds that she did not submit sufficient medical evidence to establish that she sustained a recurrence of disability on or after May 31, 1994 due to her October 31, 1991 employment injury.

¹ Cynthia M. Judd, 42 ECAB 246, 250 (1990); Terry R. Hedman, 38 ECAB 222, 227 (1986).

Appellant did not submit sufficient medical evidence to establish that she sustained a recurrence of disability on or after May 31, 1994 due to her October 31, 1991 employment injury. Appellant submitted reports, dated between mid 1994 and mid 1995, in which Dr. Rafael Parra, an attending Board-certified orthopedic surgeon, diagnosed chronic pain syndrome (post laminectomy syndrome) with radiculopathy due to her October 31, 1991 injury.² Dr. Parra noted that appellant had a herniated disc at L3-4 and indicated that she was totally disabled since May 31, 1994. These reports, however, are of limited probative value with respect to appellant's claim that she sustained an employment-related recurrence of disability on May 31, 1994 in that they did not contain adequate medical rationale in support of their conclusions on causal relationship.³ Dr. Parra did not provide any medical rationale explaining how appellant's October 31, 1991 employment injury, a back contusion and lumbosacral strain, could have caused total disability on or after May 31, 1994. On appeal appellant alleged that she sustained a herniated lumbar disc on October 31, 1994, but the Office has not accepted this condition and the medical evidence of record does not otherwise support an employment-related cause for this condition. In mid 1994, Dr. Parra referred appellant to Dr. David Dennis, a Board-certified orthopedic surgeon, and Dr. Arnulfo Carrasco, an anesthesiologist, for evaluation. Both physicians indicated that appellant had chronic lumbar pain and a herniated disc at L3-4, but their reports are of limited value on the relevant issue of the present case in that they do not contain an opinion on causal relationship.⁴

Therefore, appellant did not show a change in the nature and extent of her injury-related condition; nor did she show a change in the nature and extent of her light-duty job requirements. For these reasons, appellant did not establish that she sustained a recurrence of disability on or after May 31, 1994 due to her October 31, 1991 employment injury.

² Appellant underwent nonwork-related lumbar laminectomies in 1969 and 1971.

³ See *Leon Harris Ford*, 31 ECAB 514, 518 (1980) (finding that a medical report is of limited probative value on the issue of causal relationship if it contains a conclusion regarding causal relationship which is unsupported by medical rationale).

⁴ See *Charles H. Tomaszewski*, 39 ECAB 461, 467-68 (1988) (finding that medical evidence which does not offer any opinion regarding the cause of an employee's condition is of limited probative value on the issue of causal relationship).

The decision of the Office of Workers' Compensation Programs dated August 9, 1995 is affirmed.

Dated, Washington, D.C.
February 4, 1998

Michael J. Walsh
Chairman

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member